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TO RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 1262

INFO ASSOCIATION OF SOUTHEAST ASIAN NATIONS COLLECTIVE IMMEDIATE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 03 STATE 036718

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E.O. 12958: DECL: 04/07/2018

TAGS: PREL PHUM UNSC BM

SUBJECT: DEMARCHE TO SPECIAL ADVISOR GAMBARI

Classified By: IO A/S Kristen Silverberg, E.O. 12958

Reasons 1.4 (b) & (d)

¶1. (C) ACTION REQUEST: USUN is instructed to seek a meeting at the earliest possible date with UN Special Advisor for Burma Ibrahim Gambari to convey the concern of the United States that Gambari's public statements overestimating minimal concessions made by the regime in response to the UN Good Offices mission undermine the ultimate objectives of his mission by providing the Burmese military regime and its defenders with arguments that the regime is cooperating adequately, drawing on para 4 points below. USUN should also urge that Gambari signal to UNSC members reluctant to endorse the proposed PRST (China, Russia, Indonesia and Vietnam) his belief that such a PRST would help facilitate his mission and progress, and should point out that unduly optimistic assessments of the progress to date could have the unintended consequence of persuading those countries that no further UN action is needed. USUN should request of Gambari that in his statements, he make the points clearly and openly that the Burmese regime continues to hold key political prisoners, including Aung San Suu Kyi, and to arrest still more peaceful political activists, and has yet to begin a dialogue with democratic and ethnic minority representatives despite his requests and the Security Council's 11 October 2007 PRST.
End Action Request.

¶2. (SBU) OBJECTIVES:

-- Convey the concern of the United States that Gambari's public statements overestimating minimal concessions made by the regime in response to the UN Good Offices mission undermine the ultimate objectives of his mission by providing the Burmese military regime and its defenders with arguments that the regime is cooperating adequately.

-- Request Gambari engage UNSC members currently reluctant to move forward on the draft PRST under consideration -- China, Russia, Indonesia, and Vietnam -- to support the PRST. Note that Gambari told us over recent months that a PRST, and even a UNSCR draft text threatening an arms embargo, would be useful leverage for his mission. Impress upon Gambari that the reluctant countries are unlikely to endorse a PRST if they believe significant progress is already being made.

¶3. (SBU) SUGGESTED TALKING POINTS:

-- The United States has supported your "good offices" mission to Burma as a means for achieving democratic change and national reconciliation in Burma.

-- The U.S. is evaluating the success of the Good Offices mission based on one criterion: whether it unequivocally presses the Burmese regime for change, or whether the mission gives the regime international cover to continue its policy of non-fulfillment of the UN's stated requirements.

-- We should not characterize concessions on process as substantive progress. While the regime released many of those detained during the August/September 2007 crackdown, most detained activists remain in custody. The regime continues to arrest more activists every week. Many who have not yet been arrested have been attacked and beaten with sticks by regime-backed thugs.

-- The number of political prisoners held by the regime has not decreased. In fact, there have been recent new arrests, even while you were in the country, and the estimated number of political prisoners and detainees has almost doubled since your mission began.

-- There has been a total failure on the regime's part to begin the inclusive time-bound dialogue for which both you and the Security Council called and which is the crux of your mission. The meetings the regime's appointed liaison Aung Kyi has had with ASSK have been devoted to browbeating her and lecturing her about her failure to consent without reservations to the regime's flawed "roadmap."

-- We have seen no evidence that violence against ethnic minority groups has decreased. As Special Rapporteur Pinheiro commented in his last report, the regime's flat refusal to let any neutral observer, including yourself and Mr. Pinheiro, visit ethnic minority areas suggests that the situation there is getting worse rather than better.

-- There has been no improvement in humanitarian access. UN

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agencies and NGOs continue to be tightly controlled and heavily monitored. The ICRC has been unable to re-establish any of its protocols.

-- At the same time, we are concerned about some recent statements attributed to you that seem to exaggerate actions the regime has taken. These statements can and will be used by the regime and its defenders to argue that if things are going well, there is no reason for the regime to change what it is doing and no further purpose for UN involvement in Burma. They play into the regime's efforts to marginalize the UN's involvement in Burma and your mission specifically.

-- We are afraid that such public statements can undermine the basis for your good offices mission by giving the military regime the impression that if it pushes back, the UN will always redefine its definition of progress to allow it to get away with a complete failure to live up to prior commitments.

-- More seriously, such optimism allows the regime and its defenders to argue that if things are going so well, there is no reason for the regime to change its behavior or to begin a genuine dialogue and no justification for further UN involvement in Burma.

-- During your most recent visit, according to your own report the generals gave you no tangible results at all in the direction of modifying their rules for the upcoming referendum to make it more fair, transparent and democratic. The regime has not even met the commitments it made to you during your visit to Burma last September-October, much less met the conditions laid down in the Council's PRST of 11 October 2007.

-- You have indicated to us that a PRST would be helpful in advancing your mission. Yet several countries have suggested that now might not be the right time for a PRST. This could be in part because of an erroneous belief on their part that adequate progress is already being made. We hope you will engage UNSC members currently reluctant to move forward on the draft PRST under consideration -- China, Russia, Indonesia and Vietnam -- to support the PRST.

-- We and other supporters of democratic change in Burma are not going to judge your mission harshly if it does not single-handedly succeed in changing the situation in Burma. On the contrary, your mission will be judged by how consistently you pushed for change and how honestly and realistically you assessed its efforts and results.

-- Public statements you make are followed carefully around the world, both by the Burmese people and their friends, who seek any reasonable grounds for hope that the situation will improve, and by the regime and its defenders, who seek any grounds for avoiding reform and maintaining their iron grip over the Burmese people.

-- We want to urge you not to give them such grounds. You should make it clear in your public statements that the Burmese regime must do much more in the direction of reform; release of political prisoners and detainees; meaningful time-bound dialogue with ASSK, the democratic opposition and ethnic minorities; and national reconciliation, before the international community will have any reason to be optimistic that the situation in Burma is beginning to improve.

¶4. (U) POINTS OF CONTACT: USUN should report the results of its meeting with Gambari as soon as possible to IO/UNP (Paul Wickberg) and EAP/MLS (Aaron Cope).

¶5. (C) BACKGROUND: In recent public statements, Gambari has indicated that although he achieved no meaningful progress during his last visit to Burma, he is optimistic about the ultimate success of his mission. He has cited as reasons for his optimism the facts that the regime allowed him to visit in March rather than April (after weeks of international pressure, including by Burma's main defender China, and despite having promised an even earlier visit date) and that they allowed him to stay an extra day beyond the two originally allotted (when Gambari had told us before the visit that it would be a minimum of three days with a likely extension). He also glosses over the actual treatment he received from the regime during his last visit (the Kyaw Hsan harangue and no meeting with Than Shwe), as well as the continuing deterioration in the human rights situation on the ground. The Department sees no reason for optimism. We are concerned that such statements undermine the basis of Gambari's mission, both by allowing the generals to believe that the UN and the international community will tolerate

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such treatment of Gambari's mission, and by providing Burma's defenders with the argument that if Gambari says that things are going well, there is no reason for the regime to reform or make the changes stipulated by the PRST of 11 October 2007 and no justification for further Security Council involvement. We want to caution him that his statements are being followed carefully. If they seem unrealistic or apologetic they will undermine his mission. If the regime continues to be uncooperative, stronger action by the Council will be both justified and imperative.

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